



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE  
DIRECTOR

December 30, 1993  
AO-93-32

Ms. Margaret Lynch  
29 Swallow Street  
South Boston, MA 02127

Re: Contribution of Personal Services

Dear Ms. Lynch:

This letter is in response to your September 13, 1993 letter requesting an advisory opinion regarding the reporting of your contribution of personal services to a candidate.

You have stated that you wrote, designed and produced "mechanicals" for a candidate's campaign literature. You have asked if your provision of services should be classified as an "in kind" contribution and reported as such by the candidate.

The answer to your question comes from a review of the definition of "Contribution" in M.G.L. c. 55, the campaign finance law and the regulations promulgated pursuant to chapter 55.

Generally, where a person provides something of value to a political committee and does not receive fair market value for what she has given, the person has made an "in-kind" contribution. See 970 CMR 2.07(3). Personal services and the incidental expenses incurred in providing such services, however, are not contributions. Section 1 of chapter 55 defines "contribution," in relevant part, as follows:

. . . a contribution of money or anything of value to an individual [or] candidate . . . but [this definition] shall not include the rendering of services by speakers, editors, writers, poll watchers, poll checkers or others, nor the payment by those rendering such services of such personal expenses as may be incidental thereto . . . .

Under the circumstances that you have described, it is my opinion that you provided personal services which do not constitute a "contribution" for purposes of the campaign finance law. I assume, however, that you did not provide services when receiving compensation from a business corporation. Any work done for the candidate by a corporate employee in such circumstances would be considered a corporate

contribution, which would be prohibited by M.G.L. c. 55, s. 8, unless the corporation regularly allows workers to perform other non-work functions while being compensated. See Op. Atty. Gen. dated November 6, 1980. In addition, to the extent you received compensation for the services from any person, the amount of compensation provided to you would constitute an in-kind contribution from that person to the candidate. M.G.L. c. 55, s. 7 limits such contributions to \$1,000 in a calendar year.

This opinion has been rendered solely on the basis of representations made in your letter and assumptions referred to herein, and solely in the context of M.G.L. c. 55. Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Very truly yours,



Mary F. McTigue  
Director

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